

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 20, “Scope of Title—Definitions—Forms—Rules of Practice,” Chapter 22, “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” Chapter 25, “Measurement of Emissions,” Chapter 28, “Ambient Air Quality Standards,” and Chapter 33, “Special Regulations and Construction Permit Requirements for Major Stationary Sources—Prevention of Significant Deterioration (PSD) of Air Quality,” Iowa Administrative Code.

The primary purpose of the amendments is to update state air quality rules by adopting new federal requirements, including adoption of new National Ambient Air Quality Standards (NAAQS) and adoption of two new federal air toxics standards. The amendments also revise construction permitting requirements and stack testing requirements. Additional amendments to other rules and changes to federal regulations also are being adopted.

Notice of Intended Action was published in the Iowa Administrative Bulletin on June 17, 2009, as **ARC 7855B**. A public hearing was held on July 20, 2009. No oral or written comments were presented at the hearing. One set of written comments was received prior to the close of the public comment period on July 21, 2009. The submitted comments and the Department’s response to the comments are summarized in a public responsiveness summary available from the Department. The Department did not make any changes to the adopted rules from those published under Notice.

Item 1 amends rule 567—20.2(455B), the definition of “volatile organic compounds” or “VOC.” EPA removed two compounds, Propylene Carbonate (CAS# 108-32-7) and Dimethyl Carbonate (CAS# 616-38-6), from the definition of VOC in a final regulation published on January 21, 2009. EPA has determined that these two compounds are negligibly reactive, which means they contribute little or nothing to tropospheric ozone formation. Facilities will not be required to report Propylene Carbonate and Dimethyl Carbonate as VOC in their air emissions inventory for calendar year 2009.

Item 2 amends rule 567—20.3(455B) to update the ZIP code for the Department’s Air Quality Bureau offices. The Air Quality Bureau offices remain in the current location. However, a ZIP code change for the current location took effect on July 1, 2009.

Item 3 amends subrule 22.1(2) by adding paragraph “oo,” which provides for an exemption from construction permitting for certain temporary diesel engines used in periodic testing and maintenance of natural gas pipelines. Several times per year, natural gas pipelines require periodic testing and repair. Because of the lead time for this type of project, the owner or operator of the pipeline often does not have sufficient time to apply for and obtain a construction permit prior to installing the engine and must instead apply to the Department for a variance from the permitting requirements of Chapter 22. The Department has conducted an air quality assessment of these projects and has determined that an exemption from construction permitting is appropriate. The exemption contains conditions to ensure that engine emissions will not exceed the emission limits currently allowed under the small unit exemption specified in paragraph 22.1(2)“w.”

Item 4 amends the introductory paragraph of subrule 22.1(3) to update the ZIP code for the Department’s Air Quality Bureau offices as explained previously for Item 2.

Item 5 amends the introductory paragraph of subrule 22.3(8) to update the ZIP code for the Department’s Air Quality Bureau offices as explained previously for Item 2.

Item 6 amends paragraph 22.8(1)“e,” the provisions for applying for a permit by rule for spray booths (PBR), to include new certification requirements regarding National Emission Standards for Hazardous Air Pollutants (NESHAP) for metal fabrication and finishing at area sources (see Item 16 for an explanation of the NESHAP). The amendment is being proposed because the NESHAP for metal fabrication and finishing does not contain any de minimus usage level for materials used in spray applications. This amendment is similar to an amendment adopted earlier in 2009 regarding the NESHAP for miscellaneous surface coating at area sources. As with the earlier adopted amendment,

the Department is modifying the required PBR notification form to include questions that will assist the owner or operator with the NESHAP requirements for metal fabrication and finishing operations. The amendments to the PBR rules and the revisions to the PBR notification form will help ensure that owners and operators are aware of the NESHAP requirements and realize that all spray applications must be in compliance with or otherwise be exempt from the NESHAP by the applicable compliance dates.

Item 7 amends subrule 22.9(3) to update the ZIP code for the Department's Air Quality Bureau offices as explained previously for Item 2.

Item 8 amends the introductory paragraph of subrule 22.105(1), regarding the requirements for submitting a Title V operating permit application, and updates the ZIP code for the Department's Air Quality Bureau offices as explained previously for Item 2. With the adopted amendment, facility owners and operators submitting electronic Title V applications are no longer required to also submit hard copy applications to EPA Region VII. The Department has given EPA access to the Department's database so that EPA may review electronic copies of Title V applications.

Item 9 amends subrule 22.128(4) to update the ZIP code for the Department's Air Quality Bureau offices as explained previously for Item 2.

Item 10 amends the introductory paragraph of subrule 22.203(1) to update the ZIP code for the Department's Air Quality Bureau offices as explained previously for Item 2.

Item 11 amends the introductory paragraph of rule 567—22.209(455B) to update the ZIP code for the Department's Air Quality Bureau offices as explained previously for Item 2.

Item 12 amends the introductory paragraph of paragraph 22.300(8)“a” to update the ZIP code for the Department's Air Quality Bureau offices as explained previously for Item 2.

Item 13 amends the introductory paragraph of subrule 22.300(12) to update the ZIP code for the Department's Air Quality Bureau offices as explained previously for Item 2.

Item 14 amends the introductory paragraph of subrule 23.1(2), the provisions that adopt by reference the federal New Source Performance Standards (NSPS) contained in 40 CFR Part 60.

On December 22, 2008, EPA amended the NSPS General Conditions (Subpart A) for alternative work practices for equipment leak detection and repair. The alternative work practice is an alternative to the current leak detection and repair work practice, which is not being revised. The final regulations add a requirement to perform monitoring once per year using the current EPA Method 21 leak detection instrument.

On January 28, 2009, EPA amended the NSPS for electric utility steam generating units and the NSPS for industrial, commercial, and institutional steam generating units (Subparts A, D, Da, Db and Dc). These amendments add compliance alternatives for owners and operators; eliminate the opacity standard for facilities with a particulate matter limit of 0.030 pounds per million Btu (lb/MMBtu) or less that voluntarily install and use particulate matter continuous emission monitors to demonstrate compliance with that limit; and correct technical and editorial errors. The federal amendments are EPA's response to petitions for reconsideration of the NSPS requirements.

On March 20, 2009, EPA amended the NSPS for stationary combustion turbines (Subpart KKKK). These amendments remove requirements for additional sulfur dioxide (SO<sub>2</sub>) emission control on turbines that burn more than 50 percent biogas (such as landfill gas and digester gas) and set a new sulfur dioxide (SO<sub>2</sub>) limit of 0.15 lb/MMbtu for these turbines. In finalizing these amendments, EPA states that its intent was not to require SO<sub>2</sub> control on turbines that burn predominantly biogas, a fuel with relatively low sulfur content. Biogas that is not burned in a combustion turbine is usually flared or emitted directly to the atmosphere.

Item 15 amends the introductory paragraph of subrule 23.1(4), the emission standards for hazardous air pollutants for source categories, also known as National Emission Standards for Hazardous Air Pollutants or “NESHAP,” to adopt recent amendments that EPA made to 40 CFR Part 63. On December 22, 2008, EPA amended the NESHAP General Conditions for alternative work practices for equipment leak detection and repair. The amendments are the same as those described in Item 14. The new NESHAP being adopted are described in Item 16.

Item 16 amends subrule 23.1(4) by adopting new paragraphs “ew” and “ex.” This amendment adopts by reference two new NESHAP for new and existing area sources. Area sources are usually smaller commercial or industrial operations. Specifically, area sources have potential emissions less than 10 tons per year (tpy) of any single hazardous air pollutant (HAP) and less than 25 tpy of any combination of HAP and are classified as minor sources for HAP. Facilities that have potential HAP emissions greater than or equal to these levels are classified as major sources.

Because of the potential impacts to small businesses and previously unregulated facilities, the Department developed implementation strategies in conjunction with this rule making. The strategies include cooperative efforts with University of Northern Iowa—Iowa Air Emissions Assistance Program (UNI), Iowa Department of Economic Development, and the local air quality programs of Linn and Polk Counties to provide outreach, education and compliance assistance to affected facilities. The Department’s outreach efforts began in 2008 and are continuing during the rule-making process. It is hoped that these new rules in conjunction with the Department’s outreach efforts will result in reductions in air toxics while minimizing the regulatory burden to small businesses and other affected facilities.

On July 1, 2008, EPA finalized the NESHAP area source standards for plating and polishing operations (Subpart WWWW). The NESHAP affects area sources engaged in specific plating and polishing activities that use or emit cadmium, chromium, lead, manganese, or nickel. The NESHAP requirements impact plating and polishing tanks, dry mechanical polishing operations, and thermal spraying operations. Owners and operators must implement management practices, such as the use of wetting agents or fume suppressants, and also must comply with equipment standards, such as the use of tank covers or control devices and the capture and control of emissions from thermal spraying and dry mechanical blasting. EPA determined that most facilities already are implementing these management and equipment standards. EPA estimates that the average, ongoing costs for each facility for record keeping and reporting will be \$1100 per year for the first three years and \$713 for each year thereafter.

The Department estimates that approximately 50 facilities may be subject to the NESHAP for plating and polishing. The Department in conjunction with UNI is developing compliance tools for affected businesses and is already working directly with several affected facilities. Owners and operators will have until July 2010 to comply with the NESHAP.

On July 23, 2008, EPA finalized the NESHAP for nine metal fabrication and finishing area source categories (Subpart XXXXX). The NESHAP affects area sources that use or emit cadmium, chromium, lead, manganese, or nickel and the facility is engaged in one of the following: (1) electrical and electronic equipment finishing operations; (2) fabricated metal products; (3) fabricated plate work (boiler shops); (4) fabricated structural metal manufacturing; (5) heating equipment, except electric; (6) industrial machinery and equipment finishing operations; (7) iron and steel forging; (8) primary metal products manufacturing; and (9) valves and pipe fittings. Owners and operators of affected facilities must implement management practices to reduce air toxics from dry abrasive blasting, machining, dry grinding and dry polishing with machines, spray painting, and welding. EPA determined that most facilities already are implementing these management practices, and that the average, ongoing costs for each facility for monitoring, record keeping and reporting will be \$569 per year. Facilities with spray painting operations may have additional equipment and training costs.

The Department estimates that between 50 and 150 facilities may be subject to the NESHAP for metal fabrication and finishing. The Department in conjunction with UNI is developing outreach materials for affected businesses and is already working directly with a number of affected facilities. Owners and operators of existing facilities will have until July 2011 to comply with the NESHAP.

Item 17 amends paragraph 25.1(7)“a” to better reflect the Department’s current practices regarding stack testing notifications, pretest meetings, and test protocols. The amendments provide clarity and allow more flexibility.

Item 18 amends rule 567—28.1(455B) to adopt by reference new National Ambient Air Quality Standards (NAAQS). EPA recently strengthened the NAAQS for ozone and for lead to more adequately protect public health and welfare. EPA issued final rules to revise the NAAQS for ozone on March 27, 2008. EPA issued final rules to revise the NAAQS for lead on November 12, 2008.

Item 19 amends subrule 33.3(1), the definition for “volatile organic compounds” or “VOC” as described in Item 1.

These amendments are intended to implement Iowa Code section 455B.133.

These amendments will become effective on November 11, 2009.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 20, 22, 23, 25, 28, 33] is being omitted. These amendments are identical to those published under Notice as **ARC 7855B**, IAB 6/17/09.

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[For replacement pages for IAC, see IAC Supplement 10/7/09.]